

## REMARKS

1. Claims 1-45 are pending and stand rejected. This communication amends claims 1, 2, 5, 7-13, 15, 16, 18, 19, 21-27, 29, 30, 33, 35-39, 41, 42, and 45 and cancels claims 4, 6, 20, 32 and 44. Reconsideration of this application is respectfully requested.
2. It is noted that the Office Action does not acknowledge the receipt of the formal drawings mailed on August 30, 2001. It is respectfully requested that the Examiner indicate in the next Office Action whether the formal drawings mailed on August 30, 2001 have been received.
3. The abstract stands objected to because it includes phrases which can be implied. In response, the abstract has been amended herein to eliminate such phrases. Accordingly, withdrawal of the objection to the abstract is respectfully urged.
4. The drawings stand objected to because certain reference numerals in Figures 4 and 6c of the drawings are not mentioned in the specification. In response, attached herewith for the Examiner's approval are proposed drawing corrections to Figures 4 and 6c which delete references numerals 455, 460b, and 460c from Figure 4 and delete reference numerals 625b, 625c, 120'b, and 120''b from Figure 6c. The deletions have been made in red ink in Figures 4 and 6c. Accordingly, withdrawal of the objections to the drawings is respectfully urged.
5. Claims 1-45 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement because the some of the elements in prior art Figure 1 and Figure 3a relating apparently to motion compensation have not been described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This rejection is traversed as the Examiner has not: 1) identified the claim limitations which have not been adequately described in the specification and 2) provided a preponderance of evidence showing why a person skilled in the art would not recognize in applicant's disclosure

a description of the invention defined by the claims. See *Wertheim*, 541 F.2d at 263, 191 USPQ at 97. Accordingly, withdrawal of the rejection under 35 USC 112, first paragraph, is respectfully urged.

6. Claims 1-14 and 29-45 stand objected to for various informalities. In response, claims 1, 29, 41, and 45 have been amended as kindly suggested by the Examiner to eliminate these informalities. Accordingly, withdrawal of this objection is respectfully urged.

7. Claims 1-45 stand rejected under 35 USC 112, second paragraph, as certain limitations in the claims lack a proper antecedent basis. In response, claims 1, 2, 5, 7-13, 15, 16, 18, 19, 21-27, 29, 30, 33, 35-39, 41, 42, and 45 have been amended to provide all the claim limitations with a proper antecedent basis in the claims. In further response, claims 4, 6, 20, 32 and 44 have been cancelled. Accordingly, withdrawal of the rejection under 35 USC 112, second paragraph is respectfully urged.

8. Claims 1-45 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,263,022 to Chen *et al.* (Chen).

This rejection is respectfully traversed as Chen fails to expressly or inherently describe the invention recited in the remaining claims. For example, claim 1 recites a method for improving the transmission efficiency of an original video signal encoded in a base layer and an enhancement layer and transmitted as a plurality of frames, wherein at least one element of the enhancement layer is selectively enhanced by designating the element to have a higher priority of transmission. The method of claim 1 recites:

transmitting in a first one of said frames a first set of criteria; and

transmitting an indicator in subsequent ones of said frames when selective elements contained therein have substantially the same set of criteria as said first set of criteria.

In contrast, Chen merely describes a shift factor that shifts the bit-planes up or down, depending on the sign of the shifting factor. Specifically, if a macroblock or block is identified

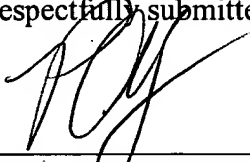
as being more visually important by the base layer quantization parameters or some other criteria, then the bit-planes of the identified macroblock or block can be shifted up. The bit-planes of the upwardly shifted macroblock or block can be coded with higher priority than the same bit-planes of the other data units.

Accordingly, withdrawal of the rejection under 35 USC 102(e) is respectfully requested.

9. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-3, 5, 7-19, 21-31, 33-43, and 45 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

10. No fees are due as a result of this communication. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,

  
\_\_\_\_\_  
PAUL A. SCHWARZ

Duane Morris LLP  
100 College Road West, Suite 100  
Princeton, New Jersey 08540  
(609) 919-4408 - telephone  
(609) 919-4401 - facsimile

PTN45760.1